



Republic of the Philippines
Supreme Court
Manila

EN BANC

JUDGE ANDREW U. BARCENA,
Complainant,

A.M. No. P-16-3564
[Formerly OCA IPI No. 10-3503-P]

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

- versus -

CLERK OF COURT II THELMA
S. ABADILLA, CASHIER I
ROSELLER O. ISRAEL, CLERK
IV ULYSSES D. DUPAYA,
CLERK III ROY C. ROSALES
and JUNIOR PROCESS SERVER
JAMES D. LORILLA,
all of the Office of the Clerk of
Court, Municipal Trial Court,
Lal-lo, Cagayan,

Respondents.

Promulgated:

January 24, 2017

X ----- *Alfonso M. Sison* ----- X

DECISION

PER CURIAM:

Before the Court is an administrative complaint filed by Judge Andrew U. Barcena (*Judge Barcena*), Presiding Judge, Branch 1, Municipal Trial Court (*MTC*), Lal-lo, Cagayan, against James D. Lorilla, Junior Process Server (*Lorilla*); Ulysses Dupaya, Clerk IV (*Dupaya*); Roy Rosales, Clerk III (*Rosales*); Roseller Israel, Cashier I (*Israel*); and Thelma S.

Abadilla (*Abadilla*), Clerk of Court II, all of the Office of the Clerk of Court, MTC (*OCC*), for gross insubordination and gross disrespect to a judicial authority.

The Complainant's Position

In his Affidavit-Complaint,¹ dated July 16, 2010, Judge Barcena stated that he was also the Acting Presiding Judge of Branch 3, MTC, and the designated Executive Judge of the MTC. He further narrated the events as follows:

2. On July 15, 2010 around 11:30 o'clock in the morning, I was inside my chamber at MTC Branch I busy working when Mr. Peter Cusipag, Clerk II in my Court, came in and informed me that four (4) male personnel of the OCC, namely, James D. Lorilla, Junior Process Server; Ulysses D. Dupaya, Clerk IV; Roy C. Rosales, Clerk II; and Roseller O. Israel, Cashier I, were outside my chamber in an angry mood and demanding that I sign their accomplished Performance Evaluation Forms (PEFs) for the period January-June 2010;

3. At that time, Estelita P. Constantino, Court Stenographer II in my Court, was inside my chamber encoding an Order which I just finished dictating to her;

4. Mr. Cusipag was already holding the PEFs of OCC personnel including that of Thelma S. Abadilla, Clerk of Court II, which were handed to him by Mr. Lorilla. The PEFs of all the OCC personnel, except that of Ms. Abadilla, were already signed by them as Ratees and by Ms. Abadilla as Rater. I will also sign as the Next Higher Supervisor. The PEF (for supervisor) of Ms. Abadilla was already accomplished as she already rated herself when I should be the one rating her performance being the Rater;

5. Mr. Cusipag informed me further that James Lorilla wanted to know if I would sign their PEFs right away;

6. As I was then busy drafting a decision, I just listened to Mr. Cusipag and knowing that I was busy drafting a decision, he went out still holding the PEFs;

7. Sometime in the first week of July, Ms. Judy Cusipag, Records Officer of the OCC, went to my chamber purposely to let me sign the accomplished PEFs of all OCC staff including that of Ms. Abadilla. I instructed her that I will confer with each staff to assess their individual performance before I will sign their PEFs;

¹ Id. at 5-9.

Judy Cusipag

8. On July 12, 2010, Ms. Leticia U. Israel, Branch Clerk of Court, MTC Branch III, also went to my office to have their already accomplished PEFs signed. I also instructed her that I will confer with each staff to assess and evaluate their individual ratings before I will sign their PEFs. As my instruction is clear, she did not anymore insist;

9. On that same day, Ms. Abadilla went to my office and again asked me to sign their PEFs. I repeated to her my earlier instruction to Ms. Cusipag that I will confer with each staff to assess and evaluate their performance before I will sign their PEFs;

10. I specifically instructed Ms. Abadilla to hold meanwhile their PEFs anyway the period of submission of performance ratings to the Office of the Court Administrator is not yet due as I know for a fact that the deadline is still in August 10 and reiterated my directive that I will sign their PEFs on the third week of July after I shall have conferred with each staff and review the ratings they themselves have already indicated in their respective PEFs;

11. On July 14, 2010, Ms. Abadilla went again to my office insisting that I should sign their PEFs and again repeated my earlier directive that I will sign those PEFs only after I shall have conferred with each of the staff which I will do on the third week of July as by that time I would be done with the more pressing concerns in the office;

12. That is why I was surprised when Mr. Cusipag informed me that Mr. Lorilla and his three male companions are in my office, demanding that I should sign their PEFs despite my earlier verbal instructions to Ms. Abadilla, their immediate supervisor, that I would first personally confer with the OCC staff regarding their ratings before I will sign the PEFs;

13. I decided then to inquire from Ms. Abadilla why her process server and other male employees are demanding that I will sign their PEFs right then and how come they have in their possession their PEFs which is a willful disregard of my verbal instructions to her to hold the PEFs and that I would sign them only after I shall have conferred with the OCC staff and evaluated the ratings which they themselves indicated in their PEFs;

14. It was about 12:00 o'clock noon of that fateful day when I went out of my chamber to request one of my staff to call for Ms. Abadilla. I saw my staff Estelita Constantino, Avelina Evangelista and Corazon Vasquez still inside the office. I also notice Mr. Lorilla, with a grim expression on his face, standing near my chamber;

15. Since Mr. Lorilla was there anyway, I instructed him to call his superior, Ms. Abadilla;

16. Much to my surprise, instead of complying with my instruction, Mr. Lorilla suddenly flew into rage, pointed his forefinger right at my face and angrily shouted, "Bakit ayaw mong

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pirmahan ang rating namin! Bakit si Thelma ang tinatawag mo eh nandito naman ako! Hindi ako natatakot sayo!” (Why do you refuse to sign our ratings! Why do you want to call for Thelma when I am already here! I am not afraid of you!);

17. I was shocked by the vicious tirade and menacing demeanor of Mr. Lorilla but I just ignored him. I repeated my instruction for him to call Ms. Abadilla and then headed towards my chamber as I wanted to avoid the menacing and adversarial demeanor of Mr. Lorilla;

18. As I turned my back from Mr. Lorilla, he suddenly attacked me by fiercely grabbing and strangling my neck with his right arm while his left arm strongly clamped my body, leaving me choking and totally immobilized;

19. While Mr. Lorilla was strangling my neck and clamped my body tightly, I felt a sharp object pointed at my neck;

20. I struggled hard to break free but Mr. Lorilla strangled me harder determined to choke me to death. Ms. Constantino tried to pull Mr. Lorilla away from me but she failed because Mr. Lorilla is a very strong man with big body built;

21. When I was already choking and losing breath, I struggled hard but failed. Then, somebody whom I learned later to be Alex Tugade, Court Utility Worker of MTC Branch II, extricated the hands of Mr. Lorilla from my neck and body although it took him some time before he could totally extricate Mr. Lorilla away from me;

22. I was losing breath and consciousness by the time Mr. Lorilla was extricated from me. It took me some time to catch my breath and breathe normally. When I finally regained my normal breathing and composure from the onslaught of Mr. Lorilla, my entire neck was in deep pain. I also felt a stinging pain just below my left ear and when I examined it, I found a wound just below my left ear;

x x x x²

On July 19, 2010, Judge Barcena wrote a letter³ to then Executive Judge Conrado F. Manauis (*Executive Judge Manauis*), Regional Trial Court, Aparri, Cagayan, (*RTC*) and reported the incident that transpired on July 15, 2010 in his office. Attaching the complaint-affidavit and the affidavits of the court employees who witnessed the said incident, Judge Barcena stated that he would file criminal and administrative charges against Lorilla, Dupaya, Rosales, Israel, and Abadilla.

² Id. at 5-7.

³ Id. at 4.

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On even date, Executive Judge Manuis issued the Memorandum⁴ requiring the said OCC employees to reply to the affidavit-complaint of Judge Barcena. In compliance, the said court employees submitted their Reply,⁵ dated July 29, 2010, stating that they were adopting as part of their reply the counter-affidavits and the affidavits of their witnesses which they executed before the Office of the Provincial Prosecutor (*OPP*) in relation to the criminal case filed by Judge Barcena.

In his letter-referral,⁶ dated August 2, 2010, addressed to Deputy Court Administrator Raul B. Villanueva (*DCA Villanueva*), Executive Judge Manuis recommended that the respondents be charged with gross insubordination and gross disrespect to judicial authority and be subjected to an investigation.

Acting thereon, DCA Villanueva required the respondents to comment on the charges against them.⁷ The respondents, in turn, filed their respective comments, reiterating and adopting their reply submitted to the Office of Executive Judge Manuis.

The Respondents' Position

In his Counter-Affidavit,⁸ Lorilla averred that:

- 3.9 About 11:30 o'clock in the morning of 15 July 2010, I together with Ulysses D. Dupaya, Roy C. Rosales and Rosseler O. Israel, all staff of OCC, saw Leo Arteta of MTC-Br. 3 allegedly called by Judge Barcena regarding the approval of their PEFs, hence, we also decided to go to Judge Barcena to politely inquire if we can also courteously request Judge Barcena to approve our PEFs;
- 3.10 The folder containing our PEFs was left on the table of Ms. Cusipag as she temporarily left our office at that time but she left an instruction to Mr. Ulysses D. Dupaya that we can readily get said folder if ever Judge Barcena needs the same for his approval;
- 3.11 As such, we decided to bring the folder containing our PEFs to the chambers of Judge Barcena in order to request for his approval;
- 3.12 When we arrived thereat, we inquired from Avelina Evangelista, MTC-Br. 1 staff, if we can respectfully request Judge Barcena to approve our performance rating. Ms Evangelista instructed Mr. Pedro Cusipag, another MTC-Br.

⁴ Id. at 229.

⁵ Id. at 20-22.

⁶ Id. at 2.

⁷ Id. at 101-105.

⁸ Id. at 23- 28.

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- 3.22 Afterwhich, Judge Barcena approached me and kept on finger pointing me while uttering defamatory and threatening words against me;
- 3.23 Then all of a sudden, Judge Barcena strongly pushed me away which caused me to lose my balance;
- 3.24 Considering I was about to fall down, I held the hands of Judge Barcena which caused both of us to fall down;
- 3.25 When both of us fell down, I was beneath and Judge Barcena was on top of me;
- 3.26 As I thought that he had a clear intention of harming me, I tried to protect myself as he was grappling me;
- 3.27 We were even able to stand-up while grappling with each other;
- 3.28 During the struggle, I might have accidentally and inadvertently scratch my watch against the neck of Judge Barcena but I must categorically state that I was not holding a weapon or any sharp object during the scuffle;
- 3.29 When I noticed that Alex Tugade of MTC-Br. 2 arrived, I was able to extricate myself from Judge Barcena;
- 3.30 Thereafter, Ms. Thelma Sac-Abadilla arrived and Judge Barcena turned his ire on her as the latter kept on blaming the former for the incident;
- 3.31 Judge Barcena was insisting that Ms. Abadilla directed me to go to him but Ms. Abadilla respectfully and courteously replied that she did not know that I and/or any OCC personnel went to him for the approval of our PEFs.

xxxx⁹

In their Joint Counter-Affidavit,¹⁰ Dupaya, Rosales and Israel corroborated the statement of Lorilla and asserted that Abadilla did not give them their PEFs; that Abadilla did not instruct them to go to Judge Barcena for his signature; that they went to the office of Judge Barcena on their own volition; and that if they were not instructed to wait, they would have left the office of Judge Barcena immediately, but having been told to wait, they did so patiently.

⁹ Id. at 23-25.

¹⁰ Id. at 29-32.

J. Barcena - same

Abadilla, on the other hand, argued in her Counter-Affidavit¹¹ that the charge of gross insubordination was baseless as there was no specific order or directive of Judge Barcena that she disobeyed. Abadilla asserted that she neither demanded nor insisted that their PEFs be signed or approved by him after they had received his verbal instruction that he would first confer with each and every one of them; and that she neither gave the folder containing the PEFs to her co-respondents nor instructed them to go to the office of Judge Barcena to have them signed. Abadilla further denied any knowledge on her co-respondents' alleged plan to attack Judge Barcena. She recalled that on July 15, 2010, at around 12:00 o'clock noon, she was summoned to the office of Judge Barcena by Corazon Vasquez (*Vasquez*), a personnel of MTC-Branch I. While on their way to Judge Barcena's office, they heard commotions, and upon entering the room, Judge Barcena shouted at her and accused her as the one who directed Lorilla to see him, and it was he who yelled at her and uttered demeaning and humiliating remarks against her.

The Complainant's Reply

In his Reply-Affidavit,¹² dated August 18, 2010, Judge Barcena insisted that there was conspiracy among respondents Lorilla, Dupaya, Rosales, and Israel to storm his office with the sole and ulterior motive of coercing him into signing their PEFs, and that when he did not sign them, Lorilla boldly and shamelessly assaulted him and almost choked him to death. To prove conspiracy, Judge Barcena submitted the Affidavit¹³ of Dante Quinto (*Quinto*), Junior Process Server I, stating that immediately prior to the choking incident, he overheard Rosales utter the following remarks, "*Guyuden yun ta ikugtagugtar tay dita kanal len!*" translated as "Pull him out and we will kick him to the canal."

As to the charge of insubordination against Abadilla, Judge Barcena claimed that after he gave his verbal instruction to confer with each employee before signing their PEFs, Abadilla, in willful disregard of his order, came to his office twice to seek approval of their PEFs; that he also verbally instructed Abadilla to keep in her custody the PEFs of the OCC employees until he could have conferred with each of them, but he was surprised to find out that the said PEFs were in the custody of Lorilla, who was not authorized to keep them.

¹¹ Id. at 33-36.

¹² Id. at 70-78.

¹³ Id. at 79-80.

J. Barcena-Dena

*Supplemental Comment of
Dupaya, Rosales and Israel*

In their Supplemental Comment,¹⁴ dated December 20, 2010, Dupaya, Rosales and Israel denied that Rosales uttered the words, “*Pull him out and we will kick him to the canal,*” and claimed that the same was merely concocted in order to probably justify the unfounded theory of evident premeditation. They further stated that even assuming that the said utterances were made, there was no allegation in the affidavit of Quinto that the utterances were addressed to Judge Barcena.

In its Report,¹⁵ dated March 26, 2012, the Office of the Court Administrator (*OCA*) recommended that the evaluation of the administrative complaint be held in abeyance until after the final resolution of the criminal case for frustrated murder filed by Judge Barcena against the respondents. It was also recommended that Lorilla be suspended until further orders from the Court due to the strained relationship between him and Judge Barcena.

In its Resolution,¹⁶ dated July 18, 2012, the Court noted the March 26, 2012 Report of the *OCA*.

On September 17, 2012, the Court issued another Resolution¹⁷ directing Executive Judge Manuis to investigate the incident and to submit a report thereon and to assign Lorilla to another court pending investigation of the incident. The Court further instructed the Clerk of Court of the RTC to inform the Court of the status of the frustrated murder case against the respondents.

On November 27, 2012, the Court received the Manifestation¹⁸ filed by Judge Oscar T. Zaldivar, Vice-Executive Judge/Acting Executive Judge of the RTC, with the information that Executive Judge Manuis had passed away and that he was inhibiting himself from conducting the investigation of the case because Judge Barcena was his close friend.

On the same date, the Court also received the Manifestation,¹⁹ submitted by Jane S. Paga, Clerk of Court VI, informing the Court that the OPP had filed the Information for Direct Assault with Attempted Murder against Lorilla by reason of the said incident.

¹⁴ Id. at 152-159.

¹⁵ Id. at 161-165.

¹⁶ Id. at 166.

¹⁷ Id. at 167-168.

¹⁸ Id. at 323-324.

¹⁹ Id. at 321.

By: [Signature]

Thus, upon the recommendation of the OCA, the Court, in its Resolution,²⁰ dated June 26, 2013, referred the investigation of the incident to Judge Conrado T. Tabaco (*Investigating Judge*) of RTC-Branch 9.

The Findings of the Investigating Judge

In his Report,²¹ dated May 15, 2015, the Investigating Judge found no basis to hold Abadilla, Dupaya, Rosales, and Israel administratively liable for gross insubordination and gross disrespect to judicial authority as the theory of conspiracy had not been established and there was no showing that they disobeyed an order or directive from Judge Barcena. With respect to Lorilla, however, the Investigating Judge found that his act constituted grave misconduct, having deviated from the prescribed norms of behavior demanded of court personnel, and recommended that he be suspended for a period of six (6) months.

The Report and Recommendation of the OCA

In its Memorandum,²² dated August 17, 2016, the OCA found Lorilla liable for grave misconduct but dismissed the complaint against Abadilla, Dupaya and Israel for insufficiency of evidence. The OCA was of the view that the complainant failed to prove the existence of conspiracy among the respondents.

With respect to Rosales, the OCA opined that he should be held administratively liable for discourtesy as it gave credence to the statement of Quinto as to the “gutter-like” remarks uttered by Rosales at around 11:20 o’clock in the morning or immediately before the scuffle, for there could be no other conclusion except that those words were directed towards Judge Barcena. The OCA thus recommended that:

1. the instant complaint be **RE-DOCKETED** as a regular administrative matter;
2. respondent Junior Process Server James D. Lorilla, Office of the Clerk of Court, Munitipal Trial Court, Lal-lo, Cagayan, be found **GUILTY** of grave misconduct and be penalized with **SUSPENSION** from office without pay for two (2) years, with **WARNING** that a repetition of the same or similar act shall be dealt with more severely;

²⁰ Id. at 418.

²¹ Id. at 338-349.

²² Id. at 425-432.

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3. respondent Roy C. Rosales be found **GUILTY** of discourtesy in the course of official duties and that he be **FINED** in the amount of **₱3,000.00** and **WARNED** that the repetition of a similar offense shall be dealt with severely; and

4. the charges against co-respondents Clerk of Court II Thelma S. Abadilla, Cashier I Roseller O. Israel, and Clerk IV Ulysses D. Dupaya, all of the Office of the Clerk of Court, same court, be **DISMISSED** for insufficiency of evidence.

Respectfully submitted.²³

The Ruling of the Court

Liability of Abadilla, Dupaya and Israel

The Court adopts the recommendation of the OCA to dismiss the administrative complaint against Abadilla, Dupaya and Israel for want of sufficient evidence. Judge Barcena failed to present evidence to support his accusation against them. Other than his bare assertion that the respondents conspired in planning and assaulting him, he failed to establish that there was indeed a community of criminal design existing among the respondents to commit the offense. Their mere presence at the office of Judge Barcena prior to the physical assault is not sufficient ground to hold them liable as conspirators. The existence of conspiracy cannot be presumed.²⁴ Like the physical act constituting the crime, conspiracy must be proven through clear and convincing evidence.²⁵

Liability of Rosales

With regard to Rosales, the Court gives him the benefit of the doubt.

In administrative cases, the quantum of proof required is substantial evidence or such evidence as a reasonable mind may accept as adequate to support a conclusion.²⁶ The complainant has the burden of proving by substantial evidence the allegations in the complaint.

In the case at bench, there was no sufficient and convincing evidence to hold Rosales administratively liable for discourtesy. The affidavit of Quinto was devoid of any indication that the purported derogatory remarks were directed towards Judge Barcena. It merely alleged that Quinto heard Rosales utter the derogatory remarks on the morning of July 15, 2010 and that when he learned that Lorilla attacked Judge Barcena, he told Peter

²³ Id. at 431-432.

²⁴ *People of the Philippines v. Samudio*, 406 Phil. 318, 333 (2001).

²⁵ *San Juan v. People of the Philippines*, 664 Phil. 547, 562 (2011).

²⁶ *Office of the Court Administrator v. Caya*, 635 Phil. 211, 217 (2010).

per [signature]

Cusipag what he heard because the said utterances “could have pertained to Judge Barcena.” The affidavit is hereby quoted, thus:

1. On July 15, 2010, around 11:20 o'clock in the morning, I was inside the office of MTC Branch 3, Lal-lo, playing the guitar and practicing for our number in the cultural presentation for the town fiesta when I heard someone utter this statement: “Guyuden yun ta ikugtakuhtar tay dita kanal len!” (Pull him out and we will kick him to the canal);
2. I wanted to know who was talking so I looked out of the window and saw that it was Roy Rosales, Clerk I of OCC, MTC, Lal-lo, Cagayan, who uttered said statement;
3. Around 12:00 o'clock noon, I went home for lunch. When I reported back to office around 12:24 o'clock in the afternoon, I was informed of the incident that James Lorilla strangled Judge Barcena inside our office;
4. I also learned that prior to the incident when James Lorilla strangled Judge Barcena, Roy Rosales, Ulysses Dupaya and Roseller Israel went to our office in the company of James Lorilla;
5. So when I heard what happened to Judge Barcena, I suddenly recalled the statement which Roy Rosales uttered earlier that “Guyuden yun ta ikugtakuhtar tay dita kanal len!” (Pull him out and we will kick him to the canal);
6. I related to Peter Cusipag about the statement of Roy Rosales which I heard as I thought that the statement could have pertained to Judge Barcena; and
7. I attest to the veracity of the foregoing averments.²⁷

Liability of Lorilla

With respect to Lorilla, the Court agrees with the findings of the OCA that his actuations constituted grave misconduct.

Misconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior.²⁸ Any transgression or deviation from the established norm of conduct, work-related or not, amounts to misconduct.²⁹ The misconduct is grave if it involves any of the additional

²⁷ *Rollo*, p. 79.

²⁸ *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug of Castor*, 719 Phil. 96, 100 (2013).

²⁹ *Dela Cruz v. Zapico*, 587 Phil. 435, 445 (2008).

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elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence.³⁰

In the present case, Lorilla denied that he assaulted Judge Barcena. He claimed that it was Judge Barcena who lambasted him with the use of insidious and insulting words and suddenly pushed him away. He explained that he merely pulled the hands of Judge Barcena as he was about to lose his balance when the former pushed him. This claim, however, was refuted by the sworn statements of Avelina S. Evangelista (*Evangelista*)³¹ and Pedro U. Cusipag (*Cusipag*).³² Both Evangelista and Cusipag narrated that Judge Barcena went out of his chamber and asked Lorilla to call Abadilla but instead of complying, he pointed his finger towards Judge Barcena and confronted him in an angry and menacing manner. Thereafter, he forcibly grabbed Judge Barcena and arm-locked his neck and body.

Without a doubt, Lorilla failed to live up to the ethical norm expected of him as an employee of the Judiciary. Shouting at Judge Barcena and physically assaulting him within the court premises in the presence of the court employees clearly exhibit rudeness and disrespect not only towards him but to the court as well. Granting that he was provoked by Judge Barcena's uncouth behavior, his conduct remains inexcusable. Court employees are expected to be well-mannered, civil and considerate in their actuations, both in their relations with co-workers and the transacting public. Boorishness, foul language and any misbehavior in court premises must always be avoided.³³

Time and again, the Court has stressed that fighting or misunderstanding is a disgraceful sight reflecting adversely on the good image of the Judiciary.³⁴ It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated.³⁵ Professionalism, respect for the rights of others, good manners, and right conduct are expected of all judicial officers and employees.³⁶ Their behavior and actuations must be characterized by propriety and decorum and should at all times embody prudence, restraint, courtesy and dignity.³⁷

Under Section 46 (A) (3), Rule 10 of the Revised Rules on Administrative Cases in Civil Service, grave misconduct is a grave offense punishable by dismissal even for the first offense. In the present case, the Court notes that this is not the first time that Lorilla was found

³⁰ *Tormis v. Paredes*, A.M. No. RTJ-13-2366, February 4, 2015, 749 SCRA 505, 517-518.

³¹ *Rollo*, pp. 48-50.

³² *Id.* at 51-52.

³³ *De Vera, Jr. v. Rimando*, 551 Phil. 471, 478 (2007).

³⁴ *Aquino v. Israel*, A.M. No. P-04-1800, March 25, 2004, 426 SCRA 266, 270.

³⁵ *Quiroz vs. Orfila*, 338 Phil. 828, 835 (1997).

³⁶ *Office of the Court Administrator v. Caya*, 635 Phil. 211, 219 (2010).

³⁷ *Dela Cruz v. Zapico*, 587 Phil. 435, 445 (2008).

J. P. Aragon

administratively liable. In the case of *Aquino v. Israel*,³⁸ he was found liable for misconduct and fined in the amount of ₱1,000.00 for punching a co-employee. He seemed undeterred despite the earlier warning that any repetition of similar infraction would be dealt with more severely. Given the foregoing, the recommended penalty of suspension for a period of two years is insufficient. The Court imposes upon him the supreme penalty of dismissal. He has no place in the Judiciary.

On a final note, the Court is not unaware of the heavy case load of the first level courts but this incident could have been avoided if proper communication was made to each and every office under Judge Barcena's supervision. Judge Barcena is advised to implement a more efficient and systematic approach in the supervision of employees within his administrative area like keeping a schedule of signing documents. He is also reminded that courtesy is likewise expected of him, in his conduct and language, towards his subordinates. Needless to state, the use of vile and demeaning words should be completely avoided.

WHEREFORE, finding James D. Lorilla, Junior Process Server, Office of the Clerk of Court, Municipal Trial Court, Lal-lo, Cagayan, **GUILTY** of Grave Misconduct, the Court hereby orders his **DISMISSAL** from the service with **FORFEITURE** of all benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations.

The complaint against Thelma S. Abadilla, Clerk of Court II; Roseller O. Israel, Cashier I; Ulysses D. Dupaya, Clerk IV; and Roy Rosales, Clerk III, all of Office of the Clerk of Court, Municipal Trial Court, Lal-lo, Cagayan, is **DISMISSED** for insufficiency of evidence.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

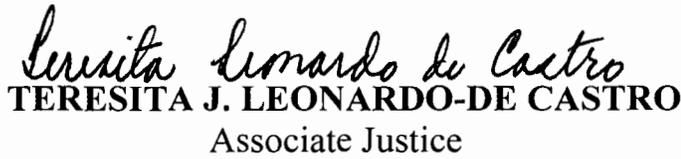
³⁸ Supra note 34.



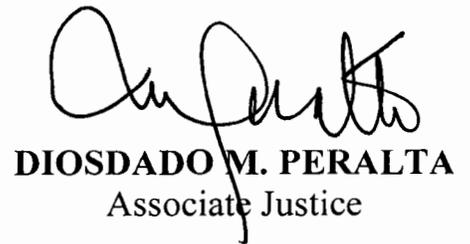
ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



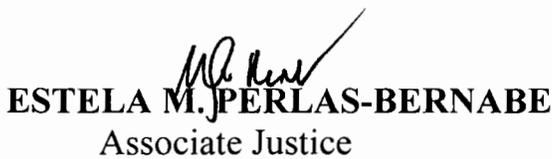
MARIANO C. DEL CASTILLO
Associate Justice



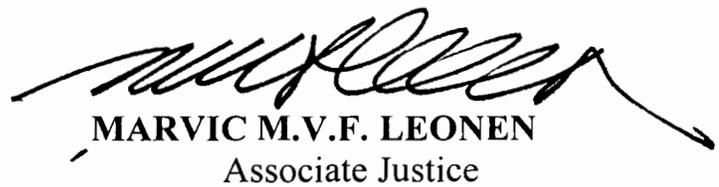
JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



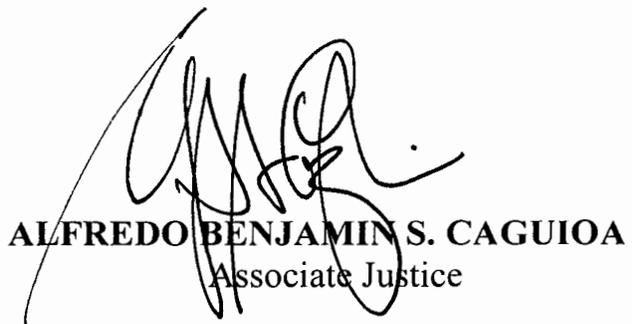
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

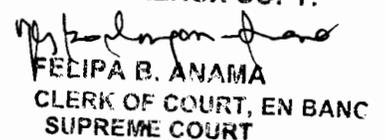


FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT